SINGLE BENCH

(1) cF 1002

IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

W. P. (S) No. 1267 **/ 2007**

PETITIONER : Samme Lal Khunte, S/o. Shri Pratap Khunte, aged about 40 years, Teacher (Udyog), Govt. Hr. Sec. School - Kera Block – Nawagarh, Distt.- Janjgir-Champa (C.G.)

P.R. No. 1488/07
Presented by A.S Rajput
on 26/2/07

VERSUS

RESPONDENTS : 1. State of Chhattisgrh, Through – The Secretary, Department of Education D.K.S. Bhawan, Raipur (C.G.)

2. Director Public Instruction Chhattisgarh Govt. Raipur

3. District Education Officer, Distt- Janjgir-Chmapa (C.G.)

OATH COMMISSIONER APARNA MALVIYA Bilaspur Chhattisgarh

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 1267 of 2007

Petitioner : Samme Lal Khunte

Versus

Respondents : State Govt. of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Present: *Shri Anil Singh Rajput, Advocate for the petitioner.*
Shri Satish Gupta, Deputy Govt. Advocate for the respondents.

ORDER

(Passed on this 2nd day of March, 2007)

1. The petitioner was appointed as Udyog Teacher in the pay scale of Rs. 1400 – 2640 vide order dated 24.7.1993 but during the course of two years probation he was paid fixed pay of Rs. 1400/- p.m. After completion of two year's probation, he was granted regular pay scale. The Udyog Teacher is equivalent to Upper Division Teacher.
2. Learned counsel appearing for the petitioner submits that the issue involved in the case is asto whether the petitioner is entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period.
3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the

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effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioner further submits that this Court, while considering the same issue in Vyas Narayan Diwakar & others Vs. State of Chhattisgarh & others (W.P. (S) No. 5661 of 2006) by order dated 26-10-2006, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Vyas Narayan Diwakar and others (Supra).

6. In view of that, this petition is allowed in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur